

REMARKS

Claims 1-4 are pending and rejected in this application. Claims 1-4 are amended, and new claims 5-10 are added hereby.

Responsive to the objection to the drawings, the Applicant has amended Figures 4 and 7. Replacement Fig. 7 removes the words used to identify the parts and now includes numerals. Also, the specification is hereby amended to correspond with amended Fig.7.

Additionally, Fig. 4 has been amended to include the PVC cement and PVC pipe cleaning agent as disclosed in the specification and claims as originally filed. 37 CFR 1.83(a), recites in part, "conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). Labeled rectangular boxes 41 and 42 are hereby added to represent the PVC cement and PVC pipe cleaning agent. Also, the specification has been amended to include the reference numerals for these items.

Applicants hereby submit that the attached drawings are now in condition for allowance. Additionally formal drawings will be submitted upon allowance.

Responsive to the rejection of claims 1-4 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

More particularly, claim 1 has been amended to clarify the limitation of the adhesive bonding agent. Amended claim 1 now recites in part, "an adhesive bonding agent for application to said lower edge of the identification tag, prior to placement of said identification tag on said pipe."

Responsive to the objection of claims 2-4, as being indefinite for containing the term "PVC", applicant respectfully submits that PVC is a frequently used abbreviation for polyvinyl chloride, and not used to represent a trademark as submitted by the examiner. However, the applicant has amended claims 2-4 by replacing the term PVC with polyvinyl chloride.

Applicant hereby submits that amended claims 1-4 are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of Claims 1 and 2 under 35 U.S.C. §102(e), as being anticipated by U.S. 2002/0032102 (Boire et al.), Applicant respectfully traverses.

Boire et al. discloses a sign plate 15, attached to a saddle stem 12, which in turn attaches to a saddle fitting 11. It is then the inside diameter of this saddle fitting 11 that attaches to a pipe 16 or conduit.

In contrast claim 1 recites in part, a "one-piece rigid substrate body having an outer wall of varying height around the entire side perimeter of said tag, raised indicia for identifying said pipe located on an upper flat surface, an arcuately shaped lower region on two opposing walls, and a lower edge located on the bottom of said tag for matingly attaching said tag to the corresponding outer surface of a pipe". (*Emphasis added*).

Applicant submits that the novel structure of the present invention is not disclosed in Boire et al.. Boire et al. fails to identify all of the limitations of the Applicant's Claim 1. In particular, Boire et al. fails to disclose an outer wall 33 around the perimeter of the tag 30, wherein two opposing walls have an arcuately shaped region 38 for mating the tag 30 to the pipe 20. In Boire et al., the inside diameter of this saddle fitting 11 is used to mate the saddle to a pipe 16 or conduit. Therefore, since Boire et al. fails to disclose all of the limitations of the Applicant's Claim 1, it does not anticipate Claim 1.

Responsive to the rejection to claim 2, Applicant submits that claim 2 is in condition for allowance because it depends from claim 1, which is in condition for allowance for the reasons given above.

Applicant hereby submits that claims 1 and 2 are in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of Claims 3 and 4 under 35 U.S.C. §103(a), as being unpatentable over U.S. 2002/0032102 (Boire et al.) in view of applicant's admitted prior art, applicants respectfully submit that claims 3 and 4 are in condition for allowance because they depend from claim 1 which is in condition for allowance for the above stated reasons.

For the foregoing reasons, applicant hereby submits that claims 3 and 4 are in condition for allowance, which is hereby respectfully submitted.

New Claims 5-10 are hereby added to further protect the patentable subject matter of the Applicant's invention.

In particular, the "outer wall comprising a first pair of opposing sides and a second pair of opposing sides" and, "an arcuately shaped lower region on said first pair

In particular, the "outer wall comprising a first pair of opposing sides and a second pair of opposing sides" and, "an arcuately shaped lower region on said first pair of opposing sides of said outer wall," in new Claim 5 are disclosed original claim 1, and in figures 1, 2 , 4 and 6.


Applicants submit that Claims 5-10 are in condition for allowance and respectfully request the same.

In the event Applicants have overlooked the payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefore and authorize that any charges be made to Deposit Account No. 10-0223, JAECKLE FLEISCHMANN & MUGEL, LLP.

Should you have any questions regarding the enclosed, please do not hesitate to contact me.

Respectfully submitted,

Date: March 25, 2003


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In particular, the "outer wall comprising a first pair of opposing sides and a second pair of opposing sides" and, "an arcuately shaped lower region on said first pair of opposing sides of said outer wall," in new Claim 5 are disclosed original claim 1, and in figures 1, 2, 4 and 6.

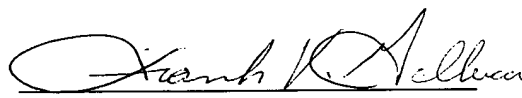
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